

REMARKS

Claims 1-24 are pending in this application. Claims 4-6, 10-12, 16-18, and 22-24 are withdrawn from consideration and claims 1-3, 7-9, 13-15, and 19-21 stand rejected. By this Amendment, claims 1, 7, 13, and 19 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 13 and 19 stand rejected due to various informalities. Applicants have amended claims 13 and 19 in light of the Examiner's rejections. As such, Applicants respectfully request withdrawal of the objections.

Claims 19-21 stand rejected under 35 U.S.C. § 101. Applicants respectfully request withdrawal of this rejection. Applicants have amended claim 19 such that the claim is directed to a concrete, useful and tangible result. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 101 be withdrawn.

Claims 7-9 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended claim 7 in light of the Examiner's rejection. As such, Applicants respectfully request withdrawal of this rejection.

Claims 1-3 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,729 ("Paltenghe"). Applicants respectfully traverse this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG

Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in the cited reference is that the “customer level is determined by a purchase experience of the user.”

In Paltenghe, a user is determined by a cookie. The cookie is stored on the user's hard drive and the server accesses the cookie. When the server in Paltenghe retrieves a previously-placed cookie, the server updates the information received and transmits an updated cookie back to the PC. As taught by Paltenghe, the user has the ability to control where a cookie is stored, to protect privacy information contained in the cookies, and control where cookies are disseminated. Various hierarchal levels of privacy can be selected for different types of information contained in cookies. However, Paltenghe fails to disclose that a customer level is determined based on the purchase experience of the user as explicitly recited in Applicants' claim. As such, Paltenghe, fails to anticipate claim 1. Applicants therefore respectfully request that the Examiner allow claim 1 and its dependent claims 2 and 3.

Claims 7-9, 13-15, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paltenghe in view of U.S. Patent Application No. 2002/0062245 (“Niu”). As discussed above, Paltenghe fails to disclose that “the customer level is determined by a purchase experience of the user.” Niu was not added to cure this deficiency but to show additional limitations which, the Office Action admits are not present in Paltenghe. As such, Applicants assert that claims 7-9, 13-15, and 19-

21 are patentable over the combination of Paltenghe and Niu and respectfully request allowance of these claims.

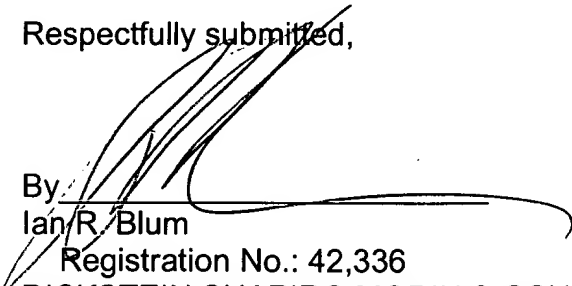
Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: April 12, 2005

Respectfully submitted,

By 
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